[Mr. P. N. Krishna Pillai.]

AYES—24.

1	Mr. M. K. Ananthasiva Aiyar	11	Mr. T. Mahomed Ismail
2	„ V. S. Arumugham Pillai	12	„ P. I. Simon
3	„ A. Easwara Pillai	13	„ C. N. Thuppan Namboodiri
4	„ P. R. Godavarma Raja	14	„ Kallur Narayana Pillai
5	„ M. Govindan	15	„ C. O. Madhavan
6	„ Eric Hall	16	„ M. Govinda Pillai
7	„ Miss Hepzibah Gnanasikhamony	17	„ K. J. Cherian
8	„ James Fletcher	18	„ R. Krishnaswamy Rao
9.	„ Padiyara Joseph Kunju	19	„ M. Ramachandra Rao
10	„ Kottur Kunjukrishna Pillai	20	„ Puthupally S. Krishna Pillai
		21	„ K. Madhava Kurup
		22	„ A. Gopala Menon
		23	„ P. Parameswaran Pillai
		24	„ K. R. Narayana Aiyar.

NOES—8.

1	Mr. M. S. Anirudhan	5	Mr. T. K. Kittan
2	„ Kochikal P. Balakrishnan Tampi	6	„ K. M. Korah
3	„ N. V. Chacko	7	„ K. K. Kuruvilla
4	„ Nedumangad R. Kesavan Nair	7.	„ R. V. Thomas.

NEUTRALS—3.

1	Sahib Bahadur Sultan Mohideen	3	Sahib Bahadur Abdul Tayeb Shaikh Kaderbhoy.
2	Mr. K. R. Elenkath		

The Bill was passed.

THE TRAVANCORE FACTORIES BILL.

Mr. Puthupally S. Krishna Pillai: Sir, I beg to move that the Factories Bill as passed by the Travancore Sri Mulam Assembly be taken up for consideration.

Mr. K Madava Kurup: I second the motion.

Mr. Puthuplaly S. Krishna Pillai: Sir, I have only a few words to state in support of the motion that I have made. This Bill was published in the year 1935 and introduced in the Legislative Assembly soon after The Bill was being considered by the Select Committee for some time, the Select Committee made certain changes in the Bill and it was discussed at great length in the Assembly. I can assure the honourable members that the Bill as passed by the Assembly has adopted the main principles and the main provisions of the Factories Act of 1935.

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Mr. P. N. Krishna Pillai: 1935 or 1934?

Mr. Puthupally S. Krishna Pillai: The Factories Act of 1934. Honourable members will be pleased to note that the provisions of the Bill are more or less on a par with the British Indian enactment. After the original Bill came into law in British India two or three amendments were passed to certain provisions. Those amendments were also taken note of by the Select Committee and also by the Assembly at the time when the Bill was discussed. And it will be noticed that except in regard to one amendment all the amendments made have been incorporated in the new bill. The amendment which has not been considered is an immaterial one.

Mr. P. N. Krishna Pillai: May I know which amendment was not considered?

Mr. Puthupally S. Krishna Pillai: Every important amendment that has been made was incorporated in the Bill, I may also inform the honorable members that in two respects we have made considerable advance on the British Indian legislature, that is, in regard to the spread-over of the period of labour for women and children. In British India, generally the rules is, whether it be the case of the adults, adolescents or children the spread-over of the period is 13 hours. In the case of women and children, we have gone a step further out of respect for the sentiments of the representatives of labour and out of respect for the feelings of the large class of women who are working in the factories and also for the benefit of the young children, and the Assembly has made alterations in two sections. They are that no woman or child shall be allowed to work in a factory before 7 a. m. and after 5 p. m. Even in England the rule is slightly different. There, the spread-over of the period is 12 hours. But, here the spread-over is from 7 a. m. to 5 p. m. i, e., 10 hours. In British India it is 13½ hours. But we have gone a step further. I hope the honourable members will realise that this is a much wanted legislation and this will be allowed to be brought into force at once. So far as I have been able to see there are no material amendments proposed and in any case the amendments which I find.....

President: No. All the amendments were discussed in the other House.

Mr. P. N. Krishna Pillai: Sir, I have got very great pleasure to support the motion that this Bill be taken into consideration by this House. We labourers in Travancore had been demanding for a long time that the Factories Legislation may be made on a par with the British Indian enactment. And the Government have utilised the opportunity and have rightly moved in the matter in bringing forward this Bill. We have expressed our

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gratitude to Government for bringing the Regulation in line with the 1934 Act of British India. The existing Factories Regulation came into existence in Travancore in 1911 and though various amendments were brought into effect in British India no amendment was sought to be made here. The condition of labour has grown worse. At present there is no restriction with regard to the working hours and with regard to the hygienic and sanitary conditions of the factories in which the labourers work.

Mr. R. V. Thomas: Sir, are the honourable member's remarks relevant to the motion ? He is speaking of the conditions which existed before.

President: Quite relevant. In order to impress upon the House the need for such a Regulation, the conditions of labour which existed before can be explained.

Mr. P. N. Krishna Pillai: Sir, I was just trying to express what labour feels about the introduction of this Bill. Sir, I may say on behalf of labour that it accepts the principles underlying this Bill. Sir, I was saying that the condition of labour in the various factories in the State were so hopeless that they were compelled to agitate for bringing the Regulation in conformity with that which is existing in British India and now the Government have utilised this opportunity and brought forward a Bill which is analogous to the British Indian Act of 1934.

We are grateful to Government for that and we have only suggested some amendments which according to us are quite necessary to fit in with the conditions obtaining in Travancore. To say that these amendments have been discussed elsewhere and that they need not be considered again is not fair.

President: The question does not arise because the amendments are not in order.

Mr. P. N. Krishna Pillai: With regard to that matter I may make a personal pleading to the Chair. Unlike the previous Bill, this Bill was passed only in the previous session of the Assembly. It was sent only very recently for our consideration.

President: Honourable member must understand that it was sent before the budget session started.

Mr. P. N. Krishna Pillai: Sir, we got it just after the budget discussion, so that we had only six days' time.

President: Honourable member will realise that it had been placed before the House for about three weeks and I find that no

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honourable member has put in amendments, excepting the member who represents labour. The honourable member will see that even that was not made in time.

Mr. P. N. Krishna Pillai: Unlike the previous Bill this had been passed only recently. We had to study the proceedings.

President: Order, Order. As the honourable member will realise and as he had stated, this is a great improvement on the present system and the hours of work and the limitation which are being brought into legislation are ahead of anything in India at the present moment. The amendment which the honourable member has brought in are not in order. In any case, Government cannot possibly themselves sponsor such amendments because they will according to Government deflect any industry away from this State and British India. But that apart, if they are allowed to be discussed, the difficulty is that this beneficial legislation will not come into force for another six months.

Mr. P. N. Krishna Pillai: Sir,

Mr. Puthuppalli S. Krishna Pillai: Sir, this Bill as passed by the Assembly was brought to their notice one month earlier.

Mr. P. N. Krishna Pillai: But we got the copies only very late.

With regard to the merits of the amendments I have adequate grounds to allege that they are very essential. I only crave the indulgence of the Chair to tide over the technical difficulty because my amendments were sent in only a day later. That is all what I place before the Chair, and this being a very important piece of legislation and this House represents mainly vested interests, I plead that I may be given time to go into the various clauses of the Bill and discuss them. I once again pray for the indulgence of the Chair to set aside these technical difficulties and to allow the only representative of labour to move the amendments which he has given notice of, because the Bill was passed only in the last session of the legislative Assembly.

With regard to the principle of the Bill, I have to submit a few more words. While we generally endorse the principle of the Bill it should fit in, as I wanted to point out, with the conditions obtaining in this country. The definition of the word factory as it is in this Bill is one which is not at all suitable to the conditions of industry in this country. If only those industries which do much work with the aid of power and which employ more than 20 persons within the previous 12 months, are sought to be protected then the majority of the factories which wants protection at the hands of Government

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will go out of the ambit of the Bill. There will be absolutely no protection for the toiling masses engaged in the cashewnut or coir factories. It is conceded on all hands that the condition of labourers is quite miserable in these factories. Even the Legal Remembrancer, before he crossed the floor of the House, had pointed out elsewhere that the condition of labour in the cashewnut and coir factories is miserable and that this Bill is not going to bring in any measure of relif to the toiling masses in the cashewnut factories whose conditions of labour borders on that of starvation. Then why should this be brought into effect. It should be in keeping with the condition of labour in this country. The majority of the cashewnut factories do not use power. They employ thousands of labourers, mostly women and children and their conditions of work are quite horrible. If the satutary principles which this Bill wants to enforce cannot be given effect to in the case of these factories, why should there be this Bill? I am aware that the provisions of this Bill can be extended by Government to factories even though they do not engage 20 people and use power. I am aware of that. But that is not what I demand. I want it to be mentioned specifically and clearly that the Bill automatically affects all the factories which employ more than 20 persons in any of the preceding 12 months. Government have power to exempt any factories from the operation of this Bill. If they think that any small industry will be injuriously affected there is ample provision to exempt it from the operation of the Regulation. That is the clause which will go to protect these factories which will find themselves very hard to pull on under the provisions of this Bill. What I submit is that considering the bulk of the workers who are to be protected by this piece of legislation, the definition clause ought to be materially changed. I have sent in two amendments to that effect. By the amendment to clause 2, I think we can accommodate all classes, the employers and the employees. Similarly in the coir factories it is only in a few instances that the steering machine is used and that is the only machine which is worked by power. Suppose the employers remove this steering machine alone; then he can very well escape the provisions of this Bill. The working of this steering machine requires a few hands. They can be removed. All the hundreds of employees who are engaged in a very unwholesome condition will be injuriously affected if the provisions of this Bill.....

President: That is the provision in British India with regard to this matter.

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Mr. P. N. Krishna Pillai: I am glad that the Chair has reminded me about the provisions made in British India. Sir, there the definition of factory in the 1934 Act is the same as the one obtaining here. But, I shall point out that in the United Provinces Legislature a labour representative has brought in a Bill which is being discussed there.

President: All that I want to point out is that clause 2 here is exactly like that in British India to-day.

Mr. P. N. Krishna Pillai: Sir, there also the provision of the definition is sought to be widened. In the United Provinces also there is a definite attempt made towards such a change. Sir, recently the Director of the International Labour Office, Mr. Harold Butler who had been touring India, has pointed out the urgent necessity of changing the legislations that are calculated to inflict hardships on the labourers. When such an authoritative and important man like Mr. Harold Butler of the Geneva Labour Office pointed out the necessity for changing the legislation, the provincial Governments began considering the question not in a provincial manner. They are going to have improved provisions because they are having the interests of the labourers in their mind. Mr. Harold Butler has pointed out that the plea that there will not be adequate inspecting staff to inspect these unregulated factories, is only a myth. If Government revenue is spent for any useful purpose it ought to be spent for the protection of these poor workers in these unregulated factories. We want the poor workers working in the coir and cashewnut factories to be protected. The two important industries in Travancore are the coir and the cashewnut industries. The workers in both these are anticipating labour legislation and this has been brought here. If the bulk of the workers are not going to be affected by this provision of this Bill, there is absolutely no use in passing this piece of legislation.

President: Does the honourable member support or oppose the Bill?

Mr. P. N. Krishna Pillai: Sir, I endorse the general principle of the Bill and try to point out the various amendments that will have to be brought in during the discussion of this Bill. While endorsing the principle of the Bill, I submit that unless the definition of the factory is widened, unless the majority of the workers working in the various factories are brought within the definition, absolutely no purpose will be served by the enactment of this Bill. Whatever might be the reasons that prompted the enactment in British India, we should take into consideration the conditions existing here.

Similarly, with regard to the hours of work, I would submit a few words.

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President: Order. Order. You cannot speak on your amendments.

Mr. P. N. Krishna Pillai: No, I am not going to speak about them. I am just dealing with the general principle of the Bill, Sir, with regard to the hours of work it is provided that there shall be a 54 hour week. I know that a 54 hour week exists in British India. We have passed, I mean the Lower House has passed an amendment to the effect that a 48 hour week should be brought in. But it has been changed in during the third reading of the Bill.

President: The honourable member is not entitled to speak on his amendment.

Mr. P. N. Krishna Pillai: No, I am saying that one of the greatest principle of this Bill is the hours of work and as such I would be failing in my duty if I do not refer to the working hours when I discuss a general principle.

Mr. Sultan Muhiadheen (*Trivandrum and Nedumangad cum Chirayinkil*): Are not the working hours fixed at 54 in other States or are they only in British India?

Mr. P. N. Krishna Pillai: Sir, in other States there might be monstrous regulations. We cannot now think of other States and the unwholesome and barbarous pieces of legislation. With regard to other States, I may inform the House that both Cochin and Mysore have passed measures fixing 54 hours. With regard to the other States, I am not aware of any which has so far thought of enacting a measure on the basis of the 1934 Act of British India. I say, it was a laudable attempt on the part of the Government of Travancore to have thought of bringing in a measure which would be on a par with that of the British Indian Act. But what I submit is that there is no reason why we should stop where British India has stopped, and not go further ahead. Why should we rest cantent with achieving merely what they have achieved in British India? With regard to Government servants, the Government of Travancore have given the lead and have accepted the very wholesome principle of 30 hours' work per week. Sir, in all labour journals of the world it was published that Travancore has given a lead in this matter. Our publicity Department broadcast that news widely. That was a lead given in the proper direction. Sir, if, under the electric fans and other comforts, with security of tenure and assured increments, the Secretariat employee need work only for 30 hours a week.....

President: May I ask whether the Bill applies to the Secretariat employees? (*Laughter.*)

Mr. Puthupalli S. Krishna Pillai: Is the Secretariat being worked by power?

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Mr. P. N. Krishna Pillai : That is really a very ingenious suggestion, Sir.

President : Anyway, the electric fans in the Secretariat are driven by power. (*Laughter.*)

Mr. P. N. Krishna Pillai : As I was submitting, Sir, the Travancore Government has given a lead by fixing a 30 hour week for their employees. Of course, I envy their lot. But, why should we deny that to the poor workers who toil in our factories. Certainly, the Legal Remembrancer who is himself enjoying the 30 hour week would be very cruel if he does not share such benefit to the poor factory workers and give them at least a 48 hour week.

Mr. Abdul Tayeb Sheikh Khaderbhoy (*Commerce and Industry South*): May I ask whether 48 hours of work per week would be sufficient for the factory worker ?

President : As I said I am giving the honourable member considerable latitude because he is the representative of organised labour. But under the guise of giving his support for the consideration of the Bill, he cannot argue his amendment.

Mr. P. N. Krishna Pillai : Sir, I do not want to go against rules and technicalities ; I am not entitled to circumvent the rules.

President : You are perfectly entitled to make attempts in that direction.

Mr. P. N. Krishna Pillai : Sir, if I am not going to discuss the quesion of restricting the hours of work in factories, I do not know what general principle of the Bill I am to advert to in this House.

President : Very little indeed.

Mr. P. N. Krishna Pillai : I submit, Sir, that a 48 hour week can very well be accepted by this House.

Sir, the fear was expressed in some quarters that, if we adopt the 48 hour week, our industries might migrate to other places. Sir, that is a fear without even a shadow of foundation. Because, at present, although our factories are having unrestricted hours of work, we do not find factories from British India or other places migrating into Travancore. Sir, two of our main industries, cashewnut and coir can work only in Travancore. They have been tried outside and failed. Even in Cochin where working conditions are similar to those obtaining here, it was a failure. There is therefore absolutely no justification for the fear that our industries might migrate if we cut short the number of working hours.

Mr. Puthupally S. Krishna Pillai : What is the opinion of the Royal Commission on this matter ?

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Mr. P. N. Krishna Pillai: The majority report is in favour of 54 hours a week. But Dewan Chamanlal and Mr. Joshi, as also Mr. Chowdri, I think, have recommended 48 hours. Further, with regard to British India, the Royal Commission made their recommendation several years back, so that there is now strong agitation in British India for reducing the number of working hours. What I submit is that, in this matter also, if we take the lead, I am sure, with the present Ministry in Madras which is very sympathetic towards labour, they will immediately usher in a measure shortening the working hours. Certainly, we want industrial progress; but such progress should be orderly progress based on contented labour. But if the workers are going to be persecuted and harassed.....

President: 'Persecuted', by passing a Bill which the honourable member himself welcomes?

Mr. P. N. Krishna Pillai: I do not say, Sir, that they will be persecuted by this Bill; I am merely referring to general principles of labour. It is accepted by all that, by lowering the hours of work, efficiency will increase. That is admitted by employers the world over. I would therefore appeal to the House to accept at least two of my amendments ... ...

President: The question of any amendment cannot now be raised. The House has nothing to do with the amendments now.

Mr. P. N. Krishna Pillai: I am only submitting, Sir, that the only two improvements necessary for this wholesome piece of legislation are the widening of the definition of factories and the shortening of the hours of work.

In conclsion, Sir, I endorse the principle of the Bill. I would once again submit that it was a very laudable attempt on the part of Government to have thought of bringing our factory legislation on a par with the British Indian Act.

The motion that the Bill be taken into consideration was put and carried.

President: With regard to the amendments, the objection under Standing Order 43 will prevail.

Clauses 1 to 81.

The question that Clauses 1 to 81 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

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Preamble and Title.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

Mr. Puthupally S. Krishna Pillai: I beg to move that the Bill be passed.

Mr. K. Madhava Kurup: I second it.

The motion was put to vote and carried.

The Bill was passed.

THE IRRIGATION REGULATION AMENDMENT BILL.

Mr. Puthupally S. Krishna Pillai: I beg to move that the Travancore Irrigation Regulation Amendment Bill as passed by the Assembly be taken into consideration.

Mr. K. Madhava Kurup: I second it.

The motion was put to vote and carried.

Clauses 1 to 7.

The question that Clases 1 to 7 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Clause 8.

President: Mr. Ananthasiva Aiyar has sent in notice of an amendment on the 18th August. The objection under Standing Order No. 43 will prevail.

The question that Clause 8 to form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 9 and 10.

The question that Clauses 9 and 10 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title do form part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

Mr. Puthupally S. Krishna Pillai: I beg to move that the Bill be passed.

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